

AGENDA

for the Board of Trustees of the Town of Fairplay, Colorado

Monday, November 6, 2017 at 6:00 p.m. at the Fairplay Town Hall Meeting Room

901 Main Street, Fairplay, Colorado

I. CALL TO ORDER REGULAR MEETING @ 6:00 P.M.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPROVAL OF AGENDA

V. CONSENT AGENDA *(The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.)*

A. APPROVAL OF MINUTES – October 2 and October 16, 2017

B. APPROVAL OF EXPENDITURES – Approval of bills of various Town Funds in the amount of \$59,143.49

C. Finding of Fact, Conclusions and Order Re: Application of Dream Stream, LLC for a Hotel and Restaurant Retail Liquor License

D. Should the Board Approve Adoption of Resolution No. 20, series of 2017, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, GRANTING APPROVAL OF THE APPLICATION FOR A SPECIAL USE PERMIT FOR CERTAIN REAL PROPERTY COMMONLY KNOWN AND NUMBERED AS 532 FRONT STREET, FAIRPLAY, COLORADO."?

E. Should the Board Approve Adoption of Resolution No. 21, series of 2017, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, GRANTING APPROVAL OF THE APPLICATION FOR AMENDMENTS TO THE SPECIAL USE PERMIT FOR WESTERN INN MOTEL AND RV PARK."?

VI. CITIZEN COMMENTS

VII. PUBLIC HEARINGS

A. 2017 Amended Budget and the 2018 Proposed Budget

VIII. UNFINISHED BUSINESS

A. Special Use Permit Compliance/ Conex Containers

B. Other Discussion Items

IX. NEW BUSINESS

A. Other New Business

X. MAYOR AND TRUSTEE REPORTS

XI. ADJOURNMENT

Upcoming Meetings/Important Dates:

Board of Trustees Meeting
A Real Colorado Christmas Celebration, Holiday Victorian Tea & Holiday Bazaar
Board of Trustees Meeting
Victorian & Cowboy Ball
Board of Trustees Meeting

November 20, 2017 @ 6p.m.
December 2, 2017
December 4, 2017 @ 6p.m.
December 9, 2017
December 18, 2017 @ 6p.m.

This Agenda May Be Amended.

Posted at Fairplay Town Hall, Fairplay Public Library, Fairplay Post Office, and Town of Fairplay Website on Friday, November 3, 2017

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
October 2, 2017**

CALL TO ORDER REGULAR MEETING OF THE BOARD OF TRUSTEES

The regular meeting of the Board of Trustees for the Town of Fairplay was called to order at 6:00 p.m. in the Council Chambers located in the Fairplay Town Hall, 901 Main Street, by Mayor Pro Tem Frank Just who proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Scott Dodge, Eve Stapp and Ray Douglas. Also in attendance were Town Attorney Lee Phillips, Town Administrator/ Clerk Tina Darrah, Public Works Director Vaughn Mead, Acting Police Chief Bo Schlunsen, Deputy Town Clerk Claudia Werner and Town Planner Ron Newman. Mayor Gabby Lane was absent.

AGENDA ADOPTION

Motion #1 by Trustee Douglas, seconded by Trustee Stapp, that the agenda be adopted as presented. Motion carried unanimously. (Mayor Lane was absent.)

CONSENT AGENDA (*The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.*)

- A. **APPROVAL OF MINUTES** – July 17, 2017 and August 7, 2017
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds in the amount of \$595,054.35.

Motion #2 by Trustee Douglas, seconded by Trustee Stapp, that the consent agenda be adopted as presented. A roll call vote was taken: Dodge- yes, Stapp – yes, Douglas – yes, Just - yes. Motion carried unanimously. (Mayor Lane was absent.)

CITIZEN COMMENTS

No citizen comments were offered.

PRESENTATIONS

- A. **Presentation by Gretchen Panicucci/ High School Students**

No one from the South Park High School was present to give the presentation.

PUBLIC HEARINGS

- A. **Should the Board Approve the Application for a Resubdivision of Parcels B through F, Samuel Mick Subdivision?**

Public hearing opened at 6:06 p.m. by Mayor Pro Tem Just.

Town Planner Newman presented the Resubdivision Application for the applicants, Sam Mick and Richard Carroll, and stated that the proposal appears to be in substantial compliance with the Fairplay Comprehensive Plan and Unified Development Code. He also stated that the UDC allows for existing subdivisions to be reconfigured provided that all procedures are followed, a final plat is submitted for staff and Board review, and that a subdivision improvement agreement is not required if no changes are made to the original subdivision improvement agreement.

Sam Mick spoke on behalf of the Resubdivision application and answered Board questions regarding the application and corresponding final plat.

Bob Brands provided a letter in support of the Resubdivision of Parcels B through F, Samuel Mick Subdivision.

There were no comments in opposition to this application.

Public hearing was closed at 6:18 p.m. by Mayor Pro Tem Just.

Motion #3 by Trustee Dodge, seconded by Trustee Douglas, that the Board direct staff to draft a resolution, Granting Approval of the Application for a Resubdivision of Parcels B through F, Samuel Mick Subdivision. Motion carried unanimously. (Mayor Lane was absent.)

B. Should the Board Approve the Application for a Special Use Permit for Richard M Carroll, Middle Fork RV Park?

Public hearing opened at 6:21 p.m. by Mayor Pro Tem Just.

Town Planner Newman presented the Special Use Permit Application for the applicant, Richard Carroll, and stated that the proposal to allow the continued use of a metal shipping container appears to be in substantial compliance with the Fairplay Comprehensive Plan, the proposal to amend the current SUP to allow for storage of RVs should be limited to a certain number of vehicles and should be specified on the site plan, the proposal to set aside 5 spaces for seasonal workers to stay in the park for up to six months would be difficult to monitor and enforce, the proposal to amend the current site plan by adding Parcel D and E of the Samuel Mick Subdivision is a reasonable request for future expansion and when these parcels are developed a site plan would be required to show design, layout and access. He also recommended that the Board impose standard conditions on the SUP in regards to the metal shipping container.

Richard and Michelle Carroll spoke on behalf of the Special Use Permit application and answered Board questions regarding the application.

Sam Mick from Salida spoke in favor of the SUP application. Cassandra Hunt from Michigan and Andrea and Andy Bartels from Alabama spoke in favor of the application and expressed that it would be a hardship to them if the Board denied the request to allow seasonal workers to stay in the RV Park for up to six months. Bob Brands provided a letter in substantial support of the Special Use Permit for the Middle Fork RV Park.

There were no comments in opposition to this application.

Motion #4 by Trustee Douglas, seconded by Trustee Dodge, to continue the public hearing to the October 16, 2017, regular Board of Trustees meeting to allow the applicant time to submit an amended site plan for the RV Park showing ingress, egress and the location of the RV spaces for seasonal workers to stay for up to six months. Motion carried unanimously. (Mayor Lane was absent.)

UNFINISHED BUSINESS

A. Other discussion items

No other discussion items were offered.

NEW BUSINESS

A. Discussion Regarding Request from Dave Bellon to Place a Bench on Town-Owned Property

Town Administrator/ Clerk Darrah presented a request from Dave Bellon to place a Memorial Bench in honor of Neva Bellon near the staircase to the beach on Front Street and provided a picture of the bench he is proposing to purchase. Staff recommended approval of his request.

Motion #5 by Trustee Douglas, seconded by Trustee Stapp, that the Board approve the request from Dave Bellon to Place a Bench on Town-Owned Property. Motion carried unanimously. (Mayor Lane was absent.)

B. Should the Board Approve Adoption of Ordinance No. 1, series 2017, entitled, "AN ORDINANCE AMENDING SUBSECTION 10-10-40(3) OF THE FAIRPLAY MUNICIPAL CODE RELATING TO EXCESSIVE NOISE."?

Town Administrator/ Clerk Darrah presented the ordinance, which limits excessive noise from construction activities to 7am-7pm rather than 7am-9pm, per Board direction at the last work session. Town Attorney Phillips drafted the ordinance and answered Board questions regarding it.

Motion #6 by Trustee Dodge, seconded by Trustee Stapp, that the Board approve adoption of Ordinance 1, series 2017, entitled, "AN ORDINANCE AMENDING SUBSECTION 10-10-40(3) OF THE FAIRPLAY MUNICIPAL CODE RELATING TO EXCESSIVE NOISE". Motion carried unanimously. (Mayor Lane was absent.)

C. Should the Board Approve Adoption of Resolution No. 18, series 2017, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPROVING PARTICIPATION IN AN INTERGOVERNMENTAL AGREEMENT FOR A REGIONAL PLANNING COMMISSION FOR TRANSPORTATION PLANNING."?

Town Administrator/ Clerk Darrah explained that this resolution approves the Town's participation in the Regional Planning Commission for Transportation Planning. Trustees Dodge and Stapp are the Town's representatives on the committee but without the approved IGA, the Town does not have a voice on the committee.

Motion #7 by Trustee Douglas, seconded by Mayor Pro Tem Just, that the Board approve adoption of Resolution No. 18, series 2017, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, APPROVING PARTICIPATION IN AN INTERGOVERNMENTAL AGREEMENT FOR A REGIONAL PLANNING COMMISSION FOR TRANSPORTATION PLANNING." Motion carried unanimously. (Mayor Lane was absent.)

D. Discussion Regarding Request to Amend the Town's Unified Development Code to Include Dog Training Facilities as an Allowed Use in Certain Zone Districts.

Town Planner Newman presented the proposal to amend the UDC to allow dog training facilities. He stated that a dog training business with no kennels or boarding has been proposed in the Town Center Zone district and because this use is not listed in the UDC table of uses, the Board should consider adding it and determine whether it should be a permitted use, a special use or be prohibited and in which zone districts these designations should apply. The Town Planner encouraged the Board to designate "Dog Training Facility" as a special use in Town Center zoning and a permitted use in Commercial and Light Industrial zoning and reminded the Board that as a special use, conditions of approval could be placed on each application to protect the character of the neighborhoods.

Town Attorney Phillips stated that he would draft an ordinance for the Boards review and consideration at their October 16, 2017, regular meeting.

E. Discussion/ Approval of a Contract with Betone Civil Constructors for the 8th Street Drainage Project.

Public Works Director Mead reported that bid documents for the 8th Street Drainage Project were sent to three local contractors with a July 12th bid deadline. No bids were received by the deadline and therefore it was extended to July 26th, but this still did not result in the Town receiving any bids. On August 4th, Frank Just, Chip Wittbrodt and Public Works Director Mead met at the intersection of Main and 8th Streets to discuss a different course of action. Frank Just with Betone Civil Constructors stated that his company can complete the project for a maximum price of \$8,000 and complete the work this fall. While the Town does not normally contract with Town employees or elected officials, Public Works Director Mead felt it was necessary to contract with Betone Civil Constructors due to the fact that this project really needs to be completed in 2017 and the Town has not been successful in getting other contractors to bid it.

Motion #8 by Trustee Dodge, seconded by Trustee Stapp, that the Board approve a contract with Betone Civil Constructors to complete the 8th Street Drainage Project for a cost not to exceed \$8,000. A roll call vote was taken: Dodge- yes, Stapp – yes, Douglas – yes. Motion carried 3-0. (Mayor Pro Tem Just recused himself and Mayor Lane was absent.)

F. Other new business

No other new business was offered.

MAYOR AND TRUSTEE REPORTS

Mayor Pro Tem Just commented that it was a great summer in Fairplay, with great activities. He went on to say that other communities strive to do things similar to Fairplay.

STAFF REPORTS

Town Planner Newman provided a written staff report updating the Board on the status of approved SUPs for shipping containers in Commercial Zoning. When field inspections were done on September 28th, 1st American Woodcrafters was the only one of the six properties in compliance. Colorado Natural Gas, Calamity's Cabin, and South Park True Value still needed to complete the removal of all signage and/or lettering on their containers.

Riverside Inn needed to move two of the shipping containers that are visible from U S Hwy 285 and lettering needed to be removed from all four of their containers. Middle Fork RV Park is still in the process of obtaining a Special Use Permit to allow the continued use of their shipping container.

The Board directed staff to notify the Special Use Permit holders that were out of compliance, that they needed to be compliant prior to the October 16th regular Board meeting or the Town would take action to revoke their SUPs.

Acting Police Chief Schlunsen provided a written staff report covering updates on Lexipol, year to date police department case report, accident, arrest and citation activities, shipping container compliance, and Park County Sheriff's Department assistance with Town of Fairplay police coverage. He also stated that the data from the speed sign installed near the entrance to Town Hall seems to be skewed and he will ask CDOT for assistance in retrieving and deciphering the data.

Public Works Director Mead provided a written staff report covering updates on the wastewater treatment system, the water distribution system, various public works department activities including updates on their 2017 work plan, and a year to date accounting of building permit activity in the Town of Fairplay.

Town Administrator/ Clerk Darrah provided the Board with updates on the 2018 Budget presentation that is scheduled for the October 16th Board meeting, the Best and Brightest Intern Program, the Fairplay Police Chief selection process and Acting Chief Schlunsen's excellent work in the meantime, Summit Stage shuttle service potential expansion to include Alma and Fairplay, school based healthcare system meetings, Rec Center group meetings regarding May ballot question, and Spruce Hill discussions. She also stated that Visitor Center volunteers have been invited to the Board's October 16th meeting, where they will be individually recognized and appreciated. The non-profit partners that worked with the Town during the summer events will be recognized and receive their checks at the same meeting.

ADJOURNMENT

Mayor Pro Tem Just, noting that there being no further business before the Board, declared that the meeting be adjourned at 8:40 p.m.

Frank Just, Mayor Pro Tem

ATTEST:

Claudia Werner, Deputy Town Clerk

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
October 16, 2017**

VOLUNTEER APPRECIATION/ RECOGNITION

The Town of Fairplay hosted a reception in recognition and appreciation of the volunteers and non-profit partners that helped out this year. Mayor Lane presented cards to Visitor Center volunteers Duane Thompson, Terri Joyner, Jean Timmins and Linda Twiehaus. April Dawn Knudsen from the Boys & Girls Club of the High Rockies, Kenny Shaw with the South Park Food Bank and Linda Twiehaus with the Friends of the Fairplay Community were all present to receive checks, presented by Mayor Lane, for their non-profit organizations in recognition of their help with the Town of Fairplay 2017 events.

CALL TO ORDER REGULAR MEETING OF THE BOARD OF TRUSTEES

The regular meeting of the Board of Trustees for the Town of Fairplay was called to order at 6:00 p.m. in the Council Chambers located in the Fairplay Town Hall, 901 Main Street, by Mayor Gabby Lane who proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Scott Dodge, Eve Stapp, Ray Douglas and Frank Just. Also in attendance were Town Attorney Lee Phillips, Town Administrator/ Clerk Tina Darrah, Public Works Director Vaughn Mead, Acting Police Chief Bo Schlunsen, Town Treasurer Kim Wittbrodt, Deputy Town Clerk Claudia Werner and Town Planner Ron Newman.

AGENDA ADOPTION

Motion #1 by Trustee Just, seconded by Trustee Douglas, that the agenda be adopted as presented. Motion carried unanimously.

CONSENT AGENDA (*The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.*)

- A. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds in the amount of \$54,295.61.
- B. Should the Board Approve Adoption of Resolution No. 19, series of 2017, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING THE RESUBDIVISION OF CERTAIN REAL PROPERTY COMMONLY KNOWN AND NUMBERED AS 255, 297, 297½ AND 299 U S HIGHWAY 285, FAIRPLAY, COLORADO.”?**

Motion #2 by Trustee Just, seconded by Trustee Stapp, that the consent agenda be adopted as presented. A roll call vote was taken: Dodge- yes, Stapp – yes, Lane – yes, Douglas – yes, Just - yes. Motion carried unanimously.

CITIZEN COMMENTS

No citizen comments were offered.

PUBLIC HEARINGS

- A. **Continued** – Should the Board Approve Adoption of Resolution No. 16, series of 2017, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, GRANTING APPROVAL OF THE APPLICATION FOR AMENDMENTS TO THE SPECIAL USE PERMIT FOR MIDDLE FORK RV RESORT.”?**

Public hearing re-opened at 6:03 p.m. by Mayor Lane.

Town Administrator/ Clerk Darrah presented the resolution to approve amendments to the Special Use Permit for the Middle Fork RV Resort and explained that the public hearing had been continued to allow time for staff to meet with the applicant to further clarify the application for special use and to discuss timelines for implementation. The resolution allows for 15 spaces to be rented on a month to month basis for up to six months

at any one site. The resolution also states that Mr. Carroll will be moving the RV storage portion of his business and the shipping container that are currently in the RV park to Parcel D by June 30, 2018. Ingress/ egress for the RV park were also discussed in conjunction with this SUP application and the park now has two entrance/ exits that were created by the approval of the resubdivision of the Samuel Mick Subdivision. In addition, Public Works Director Mead spoke with the Fire Department and was informed that they are able to provide service to the park in its current figuration. This resolution does not address the expansion of the existing RV park.

Richard Carroll presented an updated site plan and answered Board questions.

There were no comments in opposition to this application.

Public hearing was closed at 6:08 p.m. by Mayor Lane.

Motion #3 by Trustee Douglas, seconded by Trustee Just, that the Board Approve Adoption of Resolution No. 16, series of 2017, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, GRANTING APPROVAL OF THE APPLICATION FOR AMENDMENTS TO THE SPECIAL USE PERMIT FOR MIDDLE FORK RV RESORT." Motion carried unanimously.

B. Should the Board Approve a Hotel and Restaurant Liquor License as Applied for by Jillian Parrish, owner of Dream Stream Café & Lounge located at 331 U S Hwy 285, Unit A?

Public hearing opened at 6:11 p.m. by Mayor Lane.

Town Administrator/ Clerk Darrah presented the liquor license application for the Dream Stream Café & Lounge and recommended approval pending receipt of a satisfactory background check on the applicant.

Jillian Parrish spoke on behalf of the liquor license and answered Board questions.

Sam Mick, the applicant's landlord, stated that he was in favor of the liquor license.

There were no comments in opposition to this application.

Public Hearing closed at 6:20 p.m. by Mayor Lane.

Motion #4 by Trustee Just, seconded by Trustee Stapp, to direct staff to prepare Findings of Fact, Conclusions and Order to be placed on the November 6, 2017, Board of Trustees consent agenda for the granting of a Hotel and Restaurant retail liquor license for Dream Stream, LLC, pending receipt of a satisfactory criminal background check on the applicant. Motion carried unanimously.

C. Consideration of a Special Use Permit application as submitted by Linda Cole and Kim Wittbrodt to allow Single Family Residential as a permitted use at 532 Front Street.

Public hearing opened at 6:25 p.m. by Mayor Lane.

Town Planner Newman presented the application for a Special Use Permit to allow Single Family Residential as a permitted use at 532 Front Street and stated that it would facilitate the loan process for the sale of the property. He went on to say that the application appears to be in substantial compliance with the Fairplay Comprehensive Plan and that the comprehensive plan encourages single family uses in the Town Center as secondary to business uses.

Kim Wittbrodt explained the reason that she and Linda Cole have applied for this special use permit, spoke in favor of the application and answered Board questions.

J. Van Baal, Front Street LLC, owner of 530 Front Street provided a letter objecting to the rezoning of 532 Front Street and Mayor Lane read the letter into the record.

Public Hearing closed at 6:30 p.m. by Mayor Lane.

Motion #5 by Trustee Stapp, seconded by Trustee Dodge, that the Board direct staff to draft a resolution, Granting Approval of the Application for a Special Use Permit to Allow Single Family Residential as a Permitted Use at 532 Front Street. Motion carried unanimously.

D. Consideration of a Special Use Permit application as submitted by Anannt Enterprises LLC, for Western Inn Motel & RV Park, to amend the current Special Use Permit to allow 30 day RV stays within a 180 day period and to allow 2 permanent RV spaces for employees at 490 U S Hwy 285.

Public hearing opened at 6:36 p.m. by Mayor Lane.

Town Planner Newman presented the application for the amendment of the current Special Use Permit for Western Inn Motel & RV Park, located at 490 U S Hwy 285 which has been in use at the current location for at least 20 years. The RV park is currently operated as a legal non-conforming use under a previous zoning code that restricts a RV stay to 10 days. The purpose of this special use request is to bring the RV park into compliance with the current UDC, which allows a 30 day stay within a 180 day period. In addition, the application requests that two permanent recreational vehicles be allowed for employees, when needed. Town Planner Newman stated that the application appears to be in substantial compliance with the Fairplay Comprehensive Plan and Unified Development Code.

Parthiv Patel, Anannt Enterprises LLC, was present to answer Board questions.

There were no comments offered in opposition to this application.

Public hearing was closed at 6:44 p.m. by Mayor Lane.

Motion #6 by Trustee Just, seconded by Trustee Douglas, that the Board direct staff to draft a resolution, Granting Approval of the Application for a Special Use Permit to Allow 30 Day RV Stays within a 180 Day Period and to Allow 2 Permanent RV Spaces for Employees at 490 U S Highway 285. Motion carried unanimously.

UNFINISHED BUSINESS

- A. Should the Board Approve Adoption of Ordinance No. 2, series 2017, entitled, "AN ORDINANCE AMENDING SECTION 16-5-30 OF THE FAIRPLAY MUNICIPAL CODE RELATING TO TABLE OF USES."?

Town Administrator/ Clerk Darrah presented Ordinance 2, series 2017 and stated that it reflects Staff's understanding of the Board's direction at the October 2, 2017, Board meeting regarding adding Dog Training Facility as a use in the table of uses located in Section 16-5-30 of the Fairplay Municipal Code.

Motion #7 by Trustee Just, seconded by Trustee Stapp, to direct staff to notice a public hearing regarding amending Section 16-5-30 of the Fairplay Municipal Code to include Dog Training Facility as a use. Motion carried 4-0. (Trustee Dodge recused himself.)

- B. Special Use Permit Compliance/ Conex Containers

Town Administrator/ Clerk Darrah provided a written staff memorandum, updating the Board regarding SUP Compliance for Conex Containers. She stated that Acting Police Chief Schlunsen delivered letters of non-compliance to those properties that had not yet brought their properties into compliance with special use permits granted earlier this year allowing conex containers with certain conditions. A copy of Acting Police Chief Schlunsen's report was attached as well as a copy of the SUP granted to Mr. Kopunec, as his property was the only one out of compliance at the time of the meeting.

Mr. Kopunec was unable to attend the meeting because of an emergency at his ranch. The Board discussed their options and Acting Police Chief Schlunsen answered their questions regarding the non-compliance of Mr. Kopunec's property, as he has made visual inspections of the property and talked with the Kopunecs.

The Board directed staff to serve Mr. Kopunec with a notice of a SUP Revocation Hearing to be held on November 6, 2017 at 6 p.m. unless his property is in compliance prior to that time along with a list of the items needed to bring the property into compliance with their SUP.

- C. Other discussion items

No other discussion items were offered.

NEW BUSINESS

- A. Presentation of 2017 Amended and 2018 Preliminary Budget and setting of Public Hearing on November 6, 2017 @ 6 p.m.

Town Treasurer Wittbrodt distributed the preliminary budget for year 2018 and recommended that the Board set a public hearing on the budget for November 6, 2017 at 6 p.m. and a budget work session for October 23, 2017 at

6 p.m. She also stated that the Fairplay Sanitation District Board of Directors would be invited to this work session.

Motion #8 by Trustee Dodge, seconded by Trustee Stapp, that the Board set a Public Hearing on the 2017 Amended Budget and 2018 Preliminary Budget for November 6, 2017 at 6 p.m. and further to set a budget work session for October 23, 2017 at 6 p.m. Motion carried unanimously.

B. Other new business

Trustee Just asked that the Board revisit the Noise Ordinance located in Section 10-10-43(3) of the Fairplay Municipal Code. Town Administrator/ Clerk Darrah reported that she has researched the policies regarding noise in Buena Vista, Breckenridge and Dillon.

The Board directed staff to schedule a work session to review neighboring communities' policies on noise and discuss the Town's noise ordinance.

MAYOR AND TRUSTEE REPORTS

No Mayor and Trustee Reports were offered.

ADJOURNMENT

Mayor Lane, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:23 p.m.

Gabby Lane, Mayor

ATTEST:

Claudia Werner, Deputy Town Clerk



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Kim Wittbrodt, Treasurer

RE: Paid Bills

DATE: 11/22/2017

Agenda Item: Bills

Attached is the list of invoices paid through November 2, 2017.

Total Expenditures: \$59,143.49

Upon motion to approve the consent agenda, the expenditures will be approved.

Please contact me with any questions.

Report Criteria:

Detail report type printed

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
11/02/2017	13214	Business Connection	flyers for sp event insert	1	10/31/2017	125.00	105183
11/02/2017	13214		flyers for sp event insert	2	10/31/2017	125.00	105174
Total 280:						250.00	
11/02/2017	13215	Caselle, Inc	Software Support	1	10/01/2017	219.75	507360
11/02/2017	13215		Software Support	2	10/01/2017	219.75	617360
11/02/2017	13215		Software Support	3	10/01/2017	439.50	105080
Total 334:						879.00	
10/24/2017	13192	Cash	cash for victorian ball	1	10/24/2017	916.50	105183
Total 340:						916.50	
10/16/2017	13181	Colorado Dept. of Revenue	sales tax <i>3rd Qtr events</i>	1	09/30/2017	4,444.00	102280
Total 508:						4,444.00	
11/02/2017	13220	Colorado Mountain News	summit daily ads	1	09/30/2017	1,746.48	105172
Total 538:						1,746.48	
11/02/2017	13221	Dana Kepner Company, In	water meter parts	1	10/31/2017	739.24	507340
Total 682:						739.24	
10/24/2017	13193	Hand Hotel	wearable art fest dinner	1	10/20/2017	300.00	105170
10/24/2017	13193		burro banquet	1	10/20/2017	475.00	105162
Total 1084:						775.00	
11/02/2017	13224	IDS Plumbing	plumbing services	1	09/15/2017	502.50	617155
Total 1144:						502.50	
10/20/2017	13185	Postal Pros Southwest, Inc	water billing	1	10/10/2017	133.30	507310
10/20/2017	13185		water billing	2	10/10/2017	133.30	617310
Total 1699:						266.60	
10/24/2017	13196	Silver Scoop Creamery	Ice Cream TGIFairplay con	1	10/20/2017	210.00	105110
Total 1912:						210.00	
10/26/2017	13206	Thompson, Joshua	cell phone reimburse	1	10/25/2017	25.00	105645
10/26/2017	13206		cell phone reimburse	2	10/25/2017	12.50	507320
10/26/2017	13206		cell phone reimburse	3	10/25/2017	12.50	617320
Total 2108:						50.00	
10/20/2017	13186	Town of Fairplay	water-san district	1	09/30/2017	36.00	617104
10/20/2017	13186		water/sewer usage-525 Ha	1	09/30/2017	234.05	105190
10/20/2017	13186		sewer-town hall	1	09/30/2017	65.00	105023

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
10/20/2017	13186		sewer-shop	1	09/30/2017	65.00	105650
10/20/2017	13186		sewer-shop	2	09/30/2017	65.00	507390
Total 2134:						465.05	
10/24/2017	13197	United States Postal Servic	Bulk Mail permit	1	10/24/2017	450.00	105130
Total 2158:						450.00	
11/02/2017	13231	Utility Notification Center	RTL Transmissions	1	10/31/2017	14.50	507230
11/02/2017	13231		RTL Transmissions	1	10/31/2017	15.95	617340
Total 2194:						30.45	
11/02/2017	13232	Verizon Wireless	Police Air Cards	1	10/01/2017	120.03	105455
Total 2212:						120.03	
10/26/2017	13207	Werner, Claudia	cell phone reimb	1	10/25/2017	50.00	105065
Total 2242:						50.00	
10/20/2017	13188	Xcel Energy	945 quarry road	1	10/12/2017	27.63	507185
11/02/2017	13233		901 Main	1	10/18/2017	182.24	105023
11/02/2017	13233		747 bogue	1	10/18/2017	10.65	105841
11/02/2017	13233		fairplay sign #1	1	10/18/2017	11.15	105640
11/02/2017	13233		1800 city road 659	1	10/18/2017	636.27	507390
11/02/2017	13233		117 silverheels road	1	10/18/2017	10.74	105841
11/02/2017	13233		525 hathaway	1	10/18/2017	124.33	105190
11/02/2017	13233		chlorinator	1	10/19/2017	48.26	507390
11/02/2017	13233		sanitation	1	10/23/2017	2,716.40	617104
11/02/2017	13233		1190 Castello	1	10/24/2017	115.81	507390
11/02/2017	13233		1190 Castello	2	10/24/2017	115.82	105650
11/02/2017	13233		200 2nd stret	3	10/24/2017	20.40	507390
11/02/2017	13233		157 6th street	4	10/24/2017	151.40	105640
11/02/2017	13233		157 6th street	5	10/24/2017	10.65	105640
11/02/2017	13233		589 platte drive	6	10/24/2017	19.51	105841
Total 2296:						4,201.26	
11/02/2017	13226	KONICA MINOLTA BUSIN	C364E Copier	1	10/17/2017	474.38	105032
Total 2448:						474.38	
10/26/2017	13200	Darrah, Tina	Cell Phone	1	10/25/2017	50.00	105065
Total 2462:						50.00	
11/02/2017	13225	Java Moose	Food for Meetings	1	10/31/2017	100.00	105110
11/02/2017	13225		Food for Meetings	2	10/31/2017	355.00	105497
Total 2477:						455.00	
11/02/2017	13223	High Country Engineering	platte drive vehicle weight ll	1	10/23/2017	820.00	105670
11/02/2017	13223		Engineering for FEMA	1	10/23/2017	1,760.00	507195
11/02/2017	13223		water plant - fema	1	10/24/2017	1,500.00	507195

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2603:						4,180.00	
11/02/2017	13216	CenturyLink	acct 719-836-4609 502B	1	10/18/2017	56.02	507320
11/02/2017	13216		alarm line-525 Hathaway	1	10/19/2017	38.59	105190
11/02/2017	13216		7198362445	1	10/19/2017	90.83	617320
11/02/2017	13216		7198362622355B	1	10/19/2017	880.85	105065
11/02/2017	13216		acct 82239760	1	10/23/2017	24.35	105065
Total 2614:						1,090.64	
10/26/2017	13209	Wittbrodt, Kim	cell phone reimb	1	10/25/2017	50.00	105065
Total 2655:						50.00	
10/26/2017	13203	Mead, Vaughn	cell phone reimb	1	10/25/2017	12.50	617320
10/26/2017	13203		cell phone reimb	2	10/25/2017	12.50	507320
10/26/2017	13203		cell phone reimb	3	10/25/2017	25.00	105645
Total 2739:						50.00	
10/26/2017	13201	Kasper, Gerrits	cell phone reimb	1	10/25/2017	50.00	105645
Total 2747:						50.00	
10/24/2017	13191	Adamson Police Products	ammo - grant	1	10/17/2017	930.50	105453
Total 2759:						930.50	
10/24/2017	13194	Mike Stone	gratuity for burro banquet	1	10/24/2017	100.00	105162
10/24/2017	13194		gratuity for wearable art	2	10/24/2017	600.00	105170
10/24/2017	13194		gratuity for wearable art	3	10/24/2017	540.00-	105170
Total 2784:						160.00	
11/02/2017	13229	Mobile Record Shredders	record shredding	1	10/25/2017	9.00	105030
Total 2793:						9.00	
11/02/2017	13217	Chaffee County Waste	6 yd weekly	1	11/01/2017	100.00	105023
11/02/2017	13217		6 yd weekly	2	11/01/2017	100.00	105650
Total 2801:						200.00	
10/26/2017	13198	Bullock, Julie	cell phone reimburse	1	10/25/2017	50.00	105085
Total 2812:						50.00	
10/20/2017	13187	Trevor Messa	sound for concerts	1	10/12/2017	1,150.00	105150
10/20/2017	13187		sound for concerts	2	10/12/2017	500.00	105170
10/20/2017	13187		sound for concerts	3	10/12/2017	500.00	105170
10/20/2017	13187		sound for concerts	4	10/12/2017	500.00-	105170
Total 2814:						1,650.00	
10/26/2017	13202	Linda Cole	used freezer	1	10/25/2017	100.00	105027

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2847:						100.00	
10/26/2017	13199	Cleanwater Cleanup Comp	pump scum	1	10/25/2017	1,846.30	617155
11/02/2017	13218		sewer line jet and camera	1	10/30/2017	21,456.00	617103
Total 2859:						23,302.30	
10/24/2017	13195	Mountain Peak Controls, In	scada maintenance	1	10/17/2017	375.00	617155
Total 2861:						375.00	
11/02/2017	13219	Colorado Analytical Lab	water testing	1	10/27/2017	23.00	507140
11/02/2017	13219		waste water testing	1	10/27/2017	26.00	617140
Total 2864:						49.00	
11/02/2017	13230	Rise Broadband	internet	1	11/01/2017	94.66	617320
Total 2900:						94.66	
10/26/2017	13205	Schlunsen, Arthur	cell phone reimburse	1	10/25/2017	50.00	105455
Total 2988:						50.00	
10/26/2017	13208	White, Kathleen	cell phone reimburse	1	10/25/2017	25.00	105645
10/26/2017	13208		cell phone reimburse	2	10/25/2017	12.50	507320
10/26/2017	13208		cell phone reimburse	3	10/25/2017	12.50	617320
Total 3004:						50.00	
10/26/2017	13204	Razorback Contractors Su	waders	1	10/11/2017	381.20	617155
Total 3089:						381.20	
10/20/2017	13183	Berna Hogan	burro booth refund	1	01/02/2017	150.00	102295
Total 3153:						150.00	
10/20/2017	13182	351 Highway 285, LLC	estip payment	1	06/30/2017	1,181.00	105076
Total 3154:						1,181.00	
10/20/2017	13184	Colorado Department of R	ojw/defaults	1	09/30/2017	75.00	104520
Total 3155:						75.00	
10/27/2017	13210	Glen Fowler	travel for interview	1	10/27/2017	549.26	105480
Total 3156:						549.26	
11/02/2017	13213	B.A. Lawrence, LLC	belts for aeration blowers	1	10/24/2017	180.44	617155
Total 3157:						180.44	
11/02/2017	13227	KRW Associates LLC	police chief recruitment	1	10/31/2017	6,850.00	105480

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3158:						6,850.00	
11/02/2017	13228	Madison Haloran	labor for reception & tip	1	10/31/2017	160.00	105497
Total 3159:						160.00	
11/02/2017	13222	Doric Lodge #25	parking - burro days	1	10/09/2017	100.00	105162
Total 3160:						100.00	
Grand Totals:						59,143.49	

Report Criteria:

Detail report type printed

**BOARD OF TRUSTEES
TOWN OF FAIRPLAY**

IN RE: APPLICATION OF DREAM STREAM, LLC FOR A HOTEL AND
RESTAURANT RETAIL LIQUOR LICENSE

FINDINGS OF FACT, CONCLUSIONS AND ORDER

THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, acting as the local liquor licensing authority, enters the following Findings of Fact, Conclusion and Order.

FINDINGS

1. This matter comes on for hearing upon the application of DREAM STREAM, LLC, a Colorado Corporation (the "Applicant") for a HOTEL AND RESTAURANT retail liquor license.
2. The application is complete and contains all the information required by the Colorado Liquor Code. The Board further finds that the Applicant, its officers and shareholders are of good moral character.
3. Notice of a public hearing on the application was given in the manner prescribed by C.R.S. § 12-47-302 and 311.
4. A public hearing was held on the application on October 16, 2017 at which the Applicant and all interested parties were allowed to present testimony and evidence regarding the application and particularly the criteria for issuance of a license set forth in C.R.S. § 12-47-312.
5. The Applicant presented testimony regarding the needs and desires of the adult inhabitants of the neighborhood regarding issuance of the license in the form of petitioning and testimony. No opposition was heard.
6. A background check was completed on Jillian Parrish, Owner/Manager, the results of which showed no criminal history. The building plans and specifications are a true representation of the facilities and the premises comply with applicable zoning, building, health, and fire regulations as related to historic structures. Proof of possession of the premises has been provided.

7. For purposes of determining the needs and desires of the neighborhood, the entire corporate limits of the Town of Fairplay have been determined to be the neighborhood. If approved, this liquor license would not appear to be a detriment to the neighborhood. Currently, there are three HOTEL AND RESTAURANT Liquor Licenses issued in the Town of Fairplay; therefore this license would not create an undue concentration of the same class of license, possibly increasing the need for law enforcement resources in Fairplay.

CONCLUSIONS

1. Based on the evidence adduced at the public hearing the Board concludes that the requirements set forth in the Colorado Liquor Code have been met.

2. The Board further concludes that there was persuasive evidence that the desires of the adult inhabitants of the neighborhood favor issuance of the license.

ORDER

Based on the Findings and Conclusions set forth above, the application for a HOTEL AND RESTAURANT retail liquor license is GRANTED.

DATED this 6th day of November, 2017.

Gabby Lane, Mayor

**TOWN OF FAIRPLAY, COLORADO
RESOLUTION #20
(Series 2017)**

**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF
FAIRPLAY, COLORADO, GRANTING APPROVAL OF THE APPLICATION
FOR A SPECIAL USE PERMIT FOR CERTAIN REAL PROPERTY
COMMONLY KNOWN AND NUMBERED AS 532 FRONT STREET,
FAIRPLAY, COLORADO**

WHEREAS, on September 21, 2017, Linda E. Cole and Kim E. Wittbrodt (hereinafter referred to as Applicants) submitted an Application to the Town of Fairplay, Colorado, for a Special Use Permit to allow Single Family Residential as a permitted use on the Southeasterly 14 feet of Lot 5 and all of Lot 6, Block 6, Town of Fairplay, located at 532 Front Street, Fairplay, Colorado, and

WHEREAS, a public hearing on the application was held before the Board of Trustees of the Town of Fairplay on October 16, 2017, preceded by public notice of such hearing as required by Sec. 16-4-10 of the Fairplay Municipal Code, and

WHEREAS, the Board of Trustees has evaluated the application in accordance with the standards set forth in the in Section 16-6-30 of the Fairplay Municipal Code and reviewed, and considered recommendations, comments, and arguments of Town staff and the public, and

WHEREAS, the Board of Trustees finds and determines that the proposed special use will not adversely impact the neighborhood or the public safety and welfare.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO THAT;**

1. The applicant's request for a Special Use Permit is hereby granted to allow Single Family Residential as a permitted use on the Southeasterly 14 feet of Lot 5 and all of Lot 6, Block 6, Town of Fairplay, located at 532 Front Street, Fairplay, Colorado.
2. The Board hereby determines that this Special Use Permit SHALL run with the land.
3. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this Resolution is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety, and welfare of the public and that this Resolution is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board of Trustees further determines that the Resolution bears a rational relation to the proper legislative object sought to be attained.

4. Severability. If any clause, sentence, paragraph or part of this Resolution or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.
5. Effective Date. This Resolution shall become effective *nonc pro tunc* October 16, 2017.

RESOLVED, APPROVED AND ADOPTED this 6th day of November, 2017.

Gabby Lane, Mayor

(SEAL)

ATTEST:

Tina Darrah, Town Clerk

**TOWN OF FAIRPLAY, COLORADO
RESOLUTION #21
(Series 2017)**

**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF
FAIRPLAY, COLORADO, GRANTING APPROVAL OF THE APPLICATION
FOR AMENDMENTS TO THE SPECIAL USE PERMIT FOR WESTERN INN
MOTEL AND RV PARK**

WHEREAS, on August 31, 2017, Parthiv Patel for Anannt Enterprises LLC dba Western Inn Motel & RV Park (hereinafter referred to as Applicants) submitted an Application to the Town of Fairplay, Colorado, to amend the current Special Use Permit on a portion of Fairplay Johnson Addition Blocks 4 and 5 to allow 30 day RV stays within a 180 day period and to allow 2 permanent RV spaces for employees when needed, located at 470, 490 and 492 U S Highway 285, Fairplay, Colorado, and

WHEREAS, a public hearing on the application was held before the Board of Trustees of the Town of Fairplay on October 16, 2017, preceded by public notice of such hearing as required by Sec. 16-4-10 of the Fairplay Municipal Code, and

WHEREAS, the Board of Trustees has evaluated the application in accordance with the standards set forth in the in Section 16-6-30 of the Fairplay Municipal Code and reviewed, and considered recommendations, comments, and arguments of Town staff and the public, and

WHEREAS, the Board of Trustees finds and determines that the proposed special use will not adversely impact the neighborhood or the public safety and welfare.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO THAT;**

1. The applicant's request for an amended Special Use Permit for the Western Inn Motel and RV Park located on a portion of Fairplay Johnson Addition Blocks 4 and 5 is hereby granted to allow 30 day RV stays within a 180 day period and to allow 2 permanent RV spaces for employees when needed at 470, 490 and 492 U S Highway 285, Fairplay, Colorado.
2. The Board hereby determines that this Special Use Permit SHALL run with the land.
3. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this Resolution is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety, and welfare of the public and that this Resolution is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board

of Trustees further determines that the Resolution bears a rational relation to the proper legislative object sought to be attained.

4. Severability. If any clause, sentence, paragraph or part of this Resolution or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.
5. Effective Date. This Resolution shall become effective *nunc pro tunc* October 16, 2017.

RESOLVED, APPROVED AND ADOPTED this 6th day of November, 2017.

Gabby Lane, Mayor

(SEAL)

ATTEST:

Tina Darrah, Town Clerk



MEMORANDUM

TO: Mayor Lane and Board of Trustees
FROM: Kim Wittbrodt – Treasurer
RE: Public Hearing – 2018 Proposed Budget
DATE: November 2, 2017

AGENDA ITEM: Public Hearing – 2017 Amended Budget and 2018 Budget

This is the first public hearing for the 2017 amended budget and the 2018 proposed budget for the Town of Fairplay and the Fairplay Sanitation District. The hearing needs to be opened and public comment allowed. Staff will be prepared to answer questions. Updates will be made to the proposed budget reflecting any changes you request during this budget process. The updates will also contain updated year to date actual numbers. These numbers will continue to change, up until you adopt the final budget in December.

At the conclusion of the hearing, rather than close it, staff requests that a motion be made to continue the hearing until your next regularly scheduled meeting on November 20, 2017.



MEMORANDUM

TO: Mayor and Board of Trustees
FROM: Tina Darrah, Town Administrator/Clerk
RE: SUP Compliance/Conex Containers
DATE: November 2, 2017

Per the Boards instruction at the last meeting, the included letter was hand delivered to Mr. Kopunec at the Riverside Inn. The letter outlines the items that need to be addressed to bring his property into compliance with the Special Use Permit granted by the Town Board on June 5, 2017. To date, this property is still not in compliance with the conditions stated in the SUP. Acting Police Chief Schlunsen will do a last site check on Monday prior to the meeting so the Board will have the most up to date information available at the revocation hearing.

Should the property be found non-complaint the Board may revoke the Special Use Permit and refer the matter to the Police Department for enforcement.



Town of Fairplay
400 Front Street • P.O. Box 267
Fairplay, Colorado 80440
(719) 836-2622 phone
(719) 836-3279 fax
www.fairplayco.us

October 17, 2017

Stan Kopunec
Fairplay Business Park
249 US Highway 285
Fairplay, Colorado 80440

Delivered via Hand Delivery on October 17, 2017

Dear Mr. Kopunec:

On June 5, 2017, the Fairplay Board of Trustees granted you a Special Use Permit to allow the continued use of four (4) existing shipping/storage containers on the property located at 249 US Highway 285. After evaluating the application, the Board of Trustees determined that the approval of the permit was subject to several conditions, which are outlined in the attached Town of Fairplay Resolution.

After a routine field check on September 29, 2017, it was noted that Conditions #4 and #5 of the permit have not been met, which constitutes a violation of the permit.

You received notice on October 4, 2017 that the property needed to be brought into compliance with the conditions of the special use permit or risk revocation at the October 16, 2017 Town of Fairplay Board of Trustees meeting.

You notified us on October 16th that you would be unable to attend the meeting due to an emergency at your ranch. Staff requested that this item be continued one time to November 6, 2017 to allow you an opportunity to speak to the Board of Trustees directly. As of October 16th, your property was still not in compliance with the conditions of the special use permit.

Condition #4 states that if signage exists on the containers, the units shall be painted, it has been deemed acceptable that if the only signage existing on the containers is the shipping information, then removing these numbers/letters is sufficient. If larger signage exists, then that must be removed as well or the units shall be painted in accordance with the permit.

“Where History Meets the High Country”

Condition #5 states that the units will be screened or moved to a less visible location. This applies only to the units that are on the lot adjacent to the river. It was agreed at the meeting when your permit was originally approved that it would be acceptable for those units to be placed behind the Hotel. You have one container that still needs to be either moved or screened.

The Fairplay Board of Trustees will review this Special Use Permit at their next meeting, which will be held on November 6, 2017, at 6:00 p.m. at the Fairplay Town Hall, 901 Main Street. Should the Board find you non-compliant with the Special Use Permit, a revocation will be voted upon and a violation referred to the Fairplay Municipal Court.

In order to avoid the enforcement process, Conditions #4 and #5 of the Special Use Permit must be addressed immediately.

Please contact me at (719) 836-2840 with any questions.



Bo Schlunsen
Acting Police Chief

cc: Mayor and Board of Trustees
Town Attorney, Lee Phillips
Town Administrator, Tina Darrah
Ron Newman, Town Planner
Derek Kopunec, Manager/Agent, Riverside Inn

**TOWN OF FAIRPLAY, COLORADO
RESOLUTION #10
(Series 2017)**

**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF
FAIRPLAY, COLORADO, GRANTING APPROVAL OF THE APPLICATION
FOR A SPECIAL USE PERMIT FOR STAN KOPUNEC**

WHEREAS, on February 1, 2017, Stan Kopunec (hereinafter referred to as Applicant) submitted an Application to the Town of Fairplay, Colorado, for a Special Use Permit to allow four temporary shipping containers for a development project on Fairplay River Business Park, Parcel A, located at 249 U S Highway 285, Fairplay, Colorado, and

WHEREAS, the Board of Trustees at its June 5, 2017, regularly scheduled meeting did review said application and did discuss and approve of the granting of a Special Use Permit to allow four temporary shipping containers for a development project at 249 U S Highway 285, and

WHEREAS, the Board of Trustees for the Town of Fairplay, Colorado, finds that notice of the public hearing on Applicant's application was properly and timely published and mailed as per Fairplay Municipal Code UDC Article IV, Section 16-4-10, and

WHEREAS, The Board of Trustees has evaluated the application in accordance with the standards set forth in the Fairplay Municipal Code UDC Article VI and reviewed, and considered recommendations, comments, and arguments of Town staff and the public, and

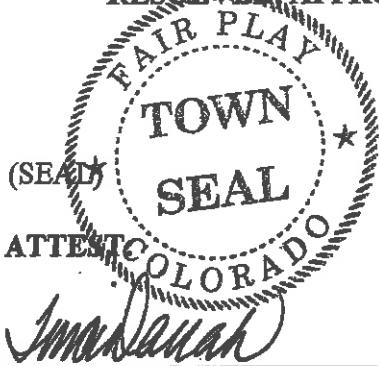
WHEREAS, the Board of Trustees finds and determines that the proposed special use will not adversely impact the neighborhood or the public safety and welfare.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO THAT;**

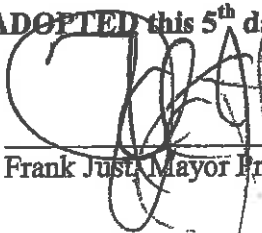
1. The applicant's request for a Special Use Permit is hereby granted for the continued use of four shipping containers on Fairplay River Business Park, Parcel A, located at 249 U S Highway 285, Fairplay, Colorado, for a period of 36 months from the date of this approval.
2. The Board hereby determines that this Special Use Permit SHALL NOT run with the land, but rather be personal to the applicant and terminate upon sale of the property.
3. This approval is for the existing units only, no stacking, increase in height, addition to or replacement of units.

- 4. No signage on units. If signage exists on the units, the units SHALL be painted an earth tone color approved by the Board of Trustees. This painting shall be completed by September 4, 2017.
- 5. Units will be screened or moved to a less visible location approved by the Town.
- 6. The units will be locked at all times.
- 7. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this Resolution is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety, and welfare of the public and that this Resolution is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board of Trustees further determines that the Resolution bears a rational relation to the proper legislative object sought to be attained.
- 8. Severability. If any clause, sentence, paragraph or part of this Resolution or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.
- 9. Effective Date. This Resolution shall become effective immediately.

RESOLVED, APPROVED AND ADOPTED this 5th day of June, 2017.



Tina Darrah, Town Clerk



 Frank Just Mayor Pro Tem

